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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
-----x

3 COMMISSIONS IMPORT EXPORT S.A.

4 Plaintiff

5 v.

19 MC 00195 (KPF)  
Remote Teleconference

6 REPUBLIC OF THE CONGO, et al.,

7 Defendants  
8 -----x

New York, N.Y.  
February 16, 2022  
4:20 p.m.

10 Before:

11 HON. KATHERINE POLK FAILLA

12 District Judge

13 APPEARANCES

14 GOULSTON & STORRS PC  
15 Attorneys for Plaintiff  
16 CHARLES R. JACOB, III  
ISABEL SUKHOLITSKY

17  
18 ASHCROFT LAW FIRM LLC  
Attorneys for Defendant Republic of the Congo  
19 MICHAEL SULLIVAN  
20 NATE BRENNAN

21 NIXON PEABODY LLP  
Attorney for Defendant Ecree LLC  
22 DANIEL A. SCHNAPP  
23  
24  
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(In chambers; case called)

DEPUTY CLERK: Would counsel please state your names for the record beginning with petitioner.

MR. JACOB: Good afternoon, your Honor. This is Charles Jacob and Isabel Sukholitsky of Goulston & Storrs PC, for the petitioner and judgment creditor, Commissions Import Export.

THE COURT: Good afternoon to you, and thank you very much.

Representing the Republic of the Congo, please.

MR. SULLIVAN: Yes. Good afternoon, your Honor. This is Michael Sullivan. I'm joined by Nate Brennan of the Ashcroft Law Firm.

THE COURT: Sir, thank you very much. I understood from my law clerk that Mr. Brennan might not be on our docket at present. Will he be filing a notice of appearance in the near term or has he done so in the recent past?

MR. SULLIVAN: He'll do it in the near term.

THE COURT: I thank you.

And representing Ecree or Ecree, whose name I hear pronounced differently by everyone.

MR. SCHNAPP: Good afternoon, your Honor. It's Daniel Schnapp from Nixon Peabody. I hope your Honor is well. I have been using Ecree to pronounce my client's name.

THE COURT: I will do that then for this proceeding.

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1 Thank you.

2 Let me begin by thanking you for your patience this  
3 afternoon. I have just come upstairs from a guilty plea  
4 proceeding with an incarcerated defendant who was produced  
5 later than we would have liked. So I do appreciate that. I  
6 don't like making people hold, and I know your time is  
7 valuable, but I do thank you for waiting for this.

8 So we are here this afternoon to discuss the  
9 possibility of motions to dismiss filed by each of the  
10 defendants. But I want to begin by speaking with Mr. Jacob  
11 because there's a bit of confusion that I know you didn't mean  
12 to foster in me, but I guess I would like to understand what is  
13 going on at the ICC? The parties are back and forth in their  
14 letters about whether there's something untoward going on,  
15 whether counsel is involved in anything. So please understand,  
16 try and make this as nonjudgmental as possible and as factual  
17 as possible.

18 Mr. Jacob, what's going on?

19 MR. JACOB: So what's going on, your Honor, is this:  
20 We have two judgments in the Southern District of New York:  
21 One entered in 2014 and one entered in 2017. They are based on  
22 two completely different arbitration awards. They're both very  
23 large. The 2014 judgment is 772 million. The 2017 judgment is  
24 190 million, both far in excess of the value of the condominium  
25 at issue.

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1           The Republic filed a proceeding seeking to impair us  
2 with the ICC, seeking to reopen one of the arbitrations. It  
3 has nothing to do with the other, so it is completely  
4 irrelevant here because we have a judgment far larger than the  
5 value of the condominium either way.

6           So I wanted to start by making clear that nothing that  
7 happens in this @Paris proceeding is going to affect this  
8 proceeding.

9           THE COURT: Mr. Jacob, please, excuse me, sir, and  
10 this is, again, the problems with having this by telephone.

11           What you're saying is the request to reopen that has  
12 been filed by the Republic of the Congo is a request to reopen  
13 as to the 2014 judgment and not the 2017 judgment?

14           MR. JACOB: Correct.

15           THE COURT: Thank you. All right. So do I -- I mean  
16 this in the nicest way. Do I care about the preopening of the  
17 proceeding from your perspective, sir?

18           MR. JACOB: No, you shouldn't. And to the extent we  
19 responded to Mr. Sullivan's letter suggesting that this has any  
20 kind of real importance, maybe we shouldn't have, your Honor,  
21 to be honest, because it has no importance. The other judgment  
22 is 190 million, and the condominium is believed to be worth  
23 7 million, so we wanted to clarify that though. And I will  
24 just add that the allegation made by the Republic is that the  
25 dean of international arbitration, literally the most respected

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1 international arbitrator in the world, took, they allege, Rolex  
2 watches and cash from my client, basically; and that is  
3 obviously being extremely sharply disputed both by the  
4 distinguished arbitrator and by my client, and we think they  
5 have no chance of getting this reopened, but at the end of the  
6 day, it doesn't matter for the reason I said.

7 THE COURT: Okay. There was a bit of circularity to  
8 that because you began by telling me at this time didn't  
9 matter, then you told me what "it" was, and now you're telling  
10 me again that it doesn't matter, but I do understand that.

11 Let me ask a different question, please, Mr. Jacob,  
12 one of the reasons that I have pre-motion conferences is because  
13 I want to see, for example, if I can persuade parties not to  
14 file motions. My belief, without even having heard from  
15 Mr. Sullivan or Mr. Schnapp, is that I will not be so  
16 successful, but is there any belief on the petitioner's part  
17 that an amended petition for the turnover would be useful,  
18 would forestall any of this litigation, or do you believe that  
19 the petition as it now stands is absolutely appropriate and  
20 that motion practice will reveal nothing else?

21 MR. JACOB: We could amend it, your Honor, because we  
22 have had discovery in these post-judgment proceedings, very  
23 important discovery of the condominium board that showed  
24 without question that what we allege in the petition; that the  
25 condominium was bought for the daughter of the President of the

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1 Republic. In fact, was bought for the daughter of the  
2 President of the Republic. That's what the documents show very  
3 clearly. We could add evidentiary detail in an amended  
4 petition and do that quickly.

5 We would also refer it to the U.S. Government's  
6 proceeding which was begun after this one was in Miami, which  
7 had absolutely parallel allegations to our allegations that the  
8 president did virtually the exact same thing for his son with  
9 respect to a luxury condominium apartment in Miami. These  
10 allegations can easily be added.

11 You know, this is a turnover proceeding, and I do  
12 think Rule 12(b)(6) can be applicable. If your Honor is going  
13 to look at the pleading in a strict 12(b)(6) sense, we could  
14 certainly add things we've learned since this proceeding  
15 started, yes, we could.

16 THE COURT: I'm not saying you have to, sir. Please  
17 don't read into that. I just want to understand. I did read  
18 your opposition to the motion. Excuse me for a moment. That's  
19 my phone, and I won't be able to turn it off.

20 I will hear from the respondents in a moment to see if  
21 there is opposition to amendment, but I understand where things  
22 are.

23 Mr. Jacob, before I turn again to the respondents, is  
24 there anything else you'd like me to know?

25 MR. JACOB: Not unless your Honor has specific

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1 questions about why we think their motions to dismiss would be  
2 meritless, but we addressed those topics in our January 17  
3 letter, so I'll hold off on that unless your Honor has specific  
4 questions.

5 THE COURT: I do not at this time. Thank you.

6 Mr. Sullivan, may I turn to you, or is it Mr. Brennan?

7 MR. SULLIVAN: That would be Michael Sullivan, your  
8 Honor.

9 THE COURT: Thank you, sir.

10 Mr. Sullivan, let me begin with what I'm hoping is an  
11 easier question. Is there any proscription on the petitioner  
12 amending its petition for turnover before your motions are  
13 filed?

14 MR. SULLIVAN: Well, certainly, your Honor, I would  
15 much rather, you know, think about one motion to dismiss as  
16 opposed to multiple motions to dismiss. And if I thought that  
17 there was some opportunity for the petitioner to cure the  
18 defects in the petition, then I think I would be less inclined  
19 to oppose an amended motion at this point in time. But I  
20 think, your Honor, that there are, you know, some deficiencies  
21 that cannot be cured based on the allegations that are being  
22 raised in the petition.

23 THE COURT: Sir, I'm neither agreeing nor disagreeing  
24 with you, but I think you and I are on the same page in that  
25 I'd rather do this motion to dismiss practice once and not

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1 twice, but I appreciate what you're saying.

2 Let me understand, sir, because you've now seen the  
3 opposition filed by petitioner. Tell me why it's not correct.

4 MR. SULLIVAN: I think for a number of reasons, your  
5 Honor. I think the petitioner misunderstands or misstates the  
6 law in several respects. I'd like to really just identify  
7 three in particular, your Honor.

8 One is the issue regarding immunity.

9 The other is the deficiencies generally in the  
10 pleading in the petition.

11 And the third is this issue about turnover under CPLR  
12 5225(b).

13 If I can start with just immunity for a second, your  
14 Honor, as the Court knows the Republic of Congo has disclaimed  
15 any interest in the condo or the funds that led to the purchase  
16 of the condo, and it still does.

17 However, your Honor, even if the funds that gave rise  
18 to the purchase of the condo was successfully imputed to the  
19 Republic of the Congo, under 18 U.S.C. 1610, your Honor, the  
20 petition would be subject to a motion to dismiss based on  
21 immunity.

22 Since there are no allegations in the complaint that  
23 the property was used for any commercial activity by the  
24 Republic of Congo in the United States, and there can never be  
25 any allegations, your Honor, because there are none in that



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1 effect, and we cited in our premotion conference letter, your  
2 Honor, E M Limited v. the Republic of Argentina. There is also  
3 the Walthers v. Industrial and Commercial Bank of China, your  
4 Honor. 651 F.2d 280 (2d Cir. 2011). It's a Second Circuit  
5 case that talks about the need for commercial activity beyond  
6 just a waiver of immunity.

7 So as courts have noted, even when a foreign state has  
8 waived immunity, it does not allow creditors to seize and  
9 attach every asset of a debt in the United States, only those  
10 assess that are used for commercial activity in the United  
11 States.

12 As I mentioned at outset of the immunity issue, your  
13 Honor, there are no allegations in the complaint that allege  
14 the property was used for commercial activity by the Republic  
15 of Congo. In fact, the allegations are inapposite. The  
16 allegations are the funds were stolen from the Republic of  
17 Congo and found their way here. so They would never be able to  
18 cure the issue about immunity.

19 THE COURT: Mr. Sullivan, I will ask you to pause  
20 right there, and I thank you.

21 What about the argument that is made by Mr. Jacob that  
22 there is a different exception, the one set forth in 1610(a)(6)  
23 which is an exception to immunity, I'm told, where the judgment  
24 is based on an order confirming an arbitral award rendered  
25 against the foreign state.

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1 MR. SULLIVAN: That is clearly an exception to the  
2 immunity, your Honor, but that is not the only step that needs  
3 to be taken. So the first step, obviously, is whether or not  
4 there's immunity. The second step is whether or not the  
5 property that's being claimed for purposes of seizure or  
6 attachment is for commercial activity. So it is really a  
7 two-step process. So even nation states that have waived  
8 immunity in the United States based on one of those other  
9 exceptions does not put all their assets in peril in the United  
10 States.

11 And here Mr. Jacob argues not that the Republic of  
12 Congo has purchased this property or put these funds. He  
13 claims that these funds were stolen from the Republic of Congo.  
14 We certainly dispute that allegation as well, your Honor, and  
15 it gets to the issue of his pleading and the source of what  
16 he's using for his allegations.

17 So it's really a two-step process, your Honor. It's  
18 identifying the exception to immunity and then determining  
19 whether or not the property that is being seized and attached  
20 is being used for commercial activity in the United States by  
21 the nation state.

22 THE COURT: I see. Sir, tell me, please, the second  
23 hurdle that you believe is insurmountable are the deficiencies  
24 in the pleading. Now, perhaps certain of these might be  
25 remedied by repleading, but let me hear about those you believe

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1 will not.

2 MR. SULLIVAN: I don't know whether or not you will,  
3 if ever, be able to, your Honor, but obviously if you read the  
4 pleadings, it's information and belief based principally on the  
5 allegations from the *Global Witness* story. And as we  
6 mentioned, your Honor, on several occasions, *Global Witness* is  
7 a self-described campaigner, and it's not an investigative  
8 journalist outfit. The article that was published in the *New*  
9 *York Times*, even the *New York Times* acknowledges it didn't  
10 confirm the *Global Witness* report.

11 And the *Global Witness* report was a campaign piece.  
12 It was titled "Trump's Luxury Condo: A Congolese State  
13 Affair." Our argument, your Honor, in a motion to dismiss will  
14 be that the *Global Witness*-sourced allegations do not satisfy  
15 the pleading requirements for petitioner's claim under either  
16 D.C.L. 276, which, notwithstanding Mr. Jacob's claim that we  
17 raised 9(b) pleading requirements under 276 in bad faith. In  
18 fact, the law is clear that 276 does need to meet the 9(b)  
19 particularity pleading requirements as it relates to fraud, so  
20 they're certainly deficient in the complaint.

21 And even under the second D.C.L. 273-A, your Honor,  
22 were not subject to 9(b) higher pleading requirements. And for  
23 the record, your Honor, we never said in our pre-motion  
24 conference letter that 273-A did need to meet the higher  
25 pleading requirements under 9(b), it still falls far short of

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1 what is needed to satisfy plausibility requirements under  
2 *Twombly*.

3 THE COURT: I see. And then your turnover argument,  
4 please, sir?

5 MR. SULLIVAN: Your Honor, this is pretty  
6 straightforward. It is certainly in our premotion conference  
7 letter. I reviewed Mr. Schnapp's letter on behalf of Ecree,  
8 and I think he raised it as well. But the petitioner's request  
9 for turnover is under CPLR 5225(a), and as we pointed out,  
10 5225(b) -- not (a), your Honor -- applies to personal property,  
11 not real property. And Mr. Jacob's response is, again,  
12 claiming that we're frivolously raising these arguments, and  
13 his petition references Section 5236. But, your Honor, we  
14 would argue 5236 is unhelpful at this stage because that  
15 section of the CPLR relates only to the process of a sale, not  
16 an authority to turn the property over.

17 It is for those reasons and what we've outlined in our  
18 premotion conference letter, your Honor, we think would be the  
19 basis of our motion to dismiss.

20 THE COURT: Mr. Sullivan, two points: Number one is  
21 given the substance of the discussions you and I are having, I  
22 am going to ask you, please, to obtain a transcript of this  
23 conference in the ordinary course so that I have it when the  
24 motions are filed, and I thank you in advance for doing that.

25 Number two is, I think you're going to be able to

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1 answer this question quickly, but I have no way to persuade you  
2 not to file this motion. Is that correct, sir?

3 MR. SULLIVAN: That's correct, your Honor.

4 THE COURT: Of course.

5 Mr. Schnapp, let me hear from you as well, please.

6 MR. SCHNAPP: Your Honor, I don't have much to add. I  
7 don't think that we would -- in addition to the Republic, I  
8 also think that we would not persuaded, respectfully. I think  
9 that our grounds are more or less set forth in the premotion  
10 letter. I think that a number of them probably would be echoed  
11 by what the Republic just said.

12 I think that there is -- obviously, we agree that the  
13 basis of the petition to the extent that it relies upon the  
14 *Global Witness* article, it raises a number of *Twombly* issues as  
15 well as the fact that it does not meet in its current state  
16 what we consider to be the appropriate pleading standards.

17 So, for those reasons as well as the reasons we've set  
18 forth in our correspondence to your Honor, we would like to  
19 proceed with our motion to dismiss.

20 THE COURT: Mr. Schnapp, let me ask a related  
21 question. It was the first question I asked of Mr. Sullivan.  
22 Given my own disinclination for two rounds of motion practice,  
23 is there any legal reason that I may not permit Mr. Jacob to  
24 amend his petition for turnover?

25 MR. SCHNAPP: As far as a legal reason, your Honor,

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1 the only thing I would think of is the possibility that he  
2 would otherwise need to move for it, but I understand what the  
3 Court is saying, which is the Court should not have to be  
4 burdened with multiple motions to dismiss. So I think that  
5 probably trumps whatever that requirement is, and I think your  
6 Honor is probably predisposed to providing that leave to  
7 petitioner in the first instance.

8 So, based upon that, I don't really have a good reason  
9 why the petition should not be amended. I can't obviously  
10 speak for my client out of hand, but I would ask that perhaps  
11 we'd have a very short period of time just to confirm with our  
12 client that there is no objection, but I can't think of any  
13 other reason offhand, your Honor.

14 THE COURT: And I do appreciate that. I certainly  
15 don't want you to run afoul of anything with your client. But  
16 I don't see that there is a problem with me ordering the  
17 amendment if Mr. Jacob wishes to amend. So I think what I will  
18 instead is I will order it, and if in the next day or so you  
19 find a legal authority that tells me that I can't and it's  
20 reversible error, you will let me know.

21 Mr. Jacob, I cannot prevent -- as hard as I've tried,  
22 I cannot persuade either Mr. Sullivan or Mr. Schnapp not to  
23 file a motion to dismiss. So tell me, please, sir, what time  
24 period would you like to amend your petition, if indeed you  
25 wish to do so?

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1           Mr. Jacob, you're coming in quite faintly. You may  
2 have to unmute yourself.

3           MR. JACOB: Sorry. We would like two weeks, your  
4 Honor, which should be plenty of time for us. We would also  
5 like leave to take discovery, notwithstanding the proposed  
6 motions to dismiss. This is a post-judgment proceeding, so  
7 it's not like the typical civil action where we are just kind  
8 of on the first round. The Republic, as is in our papers, is  
9 already in contempt of court in Judge Leon's court in the  
10 District of Columbia at the rate of \$80,000 a week because they  
11 would not provide post-judgment discovery there.

12           They're here. Mr. Sullivan is here. We still ask why  
13 if the Republic has no interest in the apartment, as they say,  
14 they're spending so much time and effort defending this case.

15           The main point is that judgment creditors get  
16 post-judgment discovery as a matter of course, including  
17 discovery that's broad that traces the funds of a recalcitrant  
18 sovereign judgment debtor, as the Argentina decisions of the  
19 Second Circuit and other courts made clear.

20           So we would propose amending within two weeks but also  
21 within two weeks serving requests for production of documents,  
22 depositions notices and interrogatories to the respondents.

23           THE COURT: One moment, please. Thank you for  
24 reminding me, Mr. Jacob, that that was an open issue. I did  
25 understand that, and I really should have asked Mr. Sullivan

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1 and Mr. Schnapp to address that issue, so I will do that now.

2 Thank you.

3 Mr. Sullivan, excuse me for coming back to you, sir.  
4 Your position on discovery given the argument that Mr. Jacob  
5 just made.

6 MR. SULLIVAN: Your Honor, we would oppose discovery  
7 at this stage. We think that even the amended complaint will  
8 be subject to a motion to dismiss, and certainly while the  
9 Court is trying to be efficient and limit cost of the parties,  
10 and I greatly appreciate that, but it's a complete fishing  
11 expedition on the part of Mr. Jacob at this point in time based  
12 on the allegations of the complaint, your Honor. So the  
13 Court's allowed an amended petition, and will allow that to  
14 proceed in the ordinary course, and give us an opportunity to  
15 review it. Absent something extraordinary being in there, your  
16 Honor, it's likely we will be revisiting with a motion to  
17 dismiss, but we respectfully ask that discovery be stayed until  
18 we have an opportunity to review and respond to the amended  
19 complaint.

20 The petitioner is not in any jeopardy in terms of not  
21 getting discovery, your Honor, because, as I understand it, the  
22 property is still owned by Ecree, and the Court has instructed  
23 Ecree not to sell the property, but I'll defer to Mr. Schnapp  
24 on that.

25 THE COURT: Thank you. Mr. Sullivan, just given what



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1 I'm hearing about a couple of weeks to amend. So, imagining --  
2 and let me just put this down, I will give a little bit more  
3 time, March 4 will be the date that I will expect the amended  
4 petition to be filed.

5 How much time would you need for a motion? Are you  
6 looking, sir, for example, for April 4 or something greater or  
7 lesser than that?

8 MR. SULLIVAN: I think April 4 would be fine, your  
9 Honor.

10 THE COURT: Mr. Schnapp, turning to you, sir, let me  
11 hear your position on discovery and your position on an April 4  
12 filing date.

13 MR. SCHNAPP: I would agree with counsel for the  
14 Republic for the reasons stated that it would be, I think,  
15 highly inappropriate to proceed with discovery at this time.  
16 It's true that the apartment is currently subject to the  
17 Court's order. It is going to remain subject to the Court's  
18 order. There is no prejudice to the petitioner. Clearly, if  
19 the motions are successful, there will be no need for  
20 discovery. And as for the April 4 date, I certainly have no  
21 objection to that.

22 THE COURT: Okay.

23 MR. JACOB: Your Honor, if I could be you heard  
24 further on discovery?

25 THE COURT: Is this Mr. Jacob?

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1 MR. JACOB: Yes, it is, your Honor. Thank you.

2 THE COURT: Thank you. Go ahead, sir.

3 MR. JACOB: If these judgments were judgments that had  
4 been entered in your court after typical civil proceedings, we  
5 would not be in the position of the judgment debtor blocking  
6 discovery. Judgment creditors are absolutely entitled to  
7 post-judgment discovery. So what the respondents are trying to  
8 do is say because we're looking for turnover of one particular  
9 asset, we don't get post-judgment discovery, and that is  
10 completely illogical, and, I would submit, not the law.

11 If your Honor had entered a billion dollars of  
12 judgments against respondents like respondents here, or  
13 defendants in a civil case, let's say, you would not be denying  
14 the judgment creditor, creditor discovery. And I don't believe  
15 that it's right for you to deny discovery here. We should be  
16 allowed to proceed.

17 The turnover proceeding is an aspect of the overall  
18 situation in this court where there's a billion dollars of  
19 judgments against the Republic, and we are entitled to  
20 discovery.

21 THE COURT: All right. Thank you, sir. I'm going to  
22 ask the parties to just wait on hold for a moment. I just want  
23 to think about the issue that the parties are raising about  
24 discovery. I'll get back to you momentarily. Please hold.

25 (Pause)

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1           THE COURT: Counsel, I thank you very much for your  
2           patience.

3           I am inclined to let discovery proceed during the  
4           pendency of the motion, and that is in part because of the  
5           history of noncompliance that has been outlined in petitioner's  
6           letters, and that is because irrespective of the resolution of  
7           the turnover motion, it occurs to me that Mr. Jacob would be  
8           very likely permitted to take discovery as a judgment creditor  
9           of the Republic and of Ecree. So I am going to allow  
10          discovery, and I will permit the requests that Mr. Jacob  
11          outlined earlier to be filed.

12          Just so that I can identify finally the schedule for  
13          the motions in this case, this is what I propose: March 4 for  
14          the amended petition. April 4 for each of the respondent's  
15          opening briefs. May 18 for a single response from petitioner  
16          to the two motions, because I think there are many overlapping  
17          issues and facts. If that means that the petitioner needs to  
18          go over slightly the page limits, I will allow it. I would  
19          think that 35 pages would be sufficient, and you'll tell me and  
20          see what I say if you think more is needed. And then June 3  
21          for any reply brief.

22          So that's the schedule that I'm setting. Discovery  
23          will go forward. As always, I welcome the opportunity to try  
24          and get folks to resolve this, but I don't think that's going  
25          to happen at this time.

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1           Mr. Jacob, those are all the issues I wanted to  
2 address today. Anything else from you, sir?

3           MR. JACOB: I don't think so, your Honor. Thank you  
4 very much.

5           THE COURT: Thank you.

6           Mr. Sullivan, anything else today, sir?

7           MR. SULLIVAN: Your Honor, just on the issue of  
8 discovery, I'm concerned that we're going to be back before you  
9 in terms of what Mr. Jacob is going to be seeking for purposes  
10 of discovery, and I know that he was trying to persuade the  
11 Court this is a typical judgment debtor that should be subject  
12 to an examination, you know, based on a matter that's been  
13 litigated in a judgment against the other debtor in the United  
14 States. I know the Court knows this is an arbitration in a  
15 foreign jurisdiction that was registered in the United States,  
16 and the petition is about seeking the condominium in New York.

17           Knowing how Mr. Jacob has responded up to this point  
18 in time in terms of our communications, I'm suspecting we're  
19 going to see some broad-based discovery of a judgment debtor in  
20 the United States. And I have not researched the point, your  
21 Honor, but the question becomes whether there's any authority  
22 to do that type of broad-based discovery based on a turnover  
23 request for an asset in New York. So I'm wondering, your  
24 Honor, if the Court might limit discovery just to the context  
25 of this issue about the immunity claim that would be raised

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1 that the property is not subject to some type of execution or  
2 attachment because it's not used for commercial purposes by the  
3 Republic of Congo.

4 THE COURT: Mr. Sullivan, I'm not inclined at this  
5 time to limit discovery in the manner that you've suggested.  
6 You began this section of your discussion by noting a concern  
7 that we would be back before me again. I fully expect that we  
8 will be, sir, and so I imagine there will be fights about the  
9 scope of discovery. And by the time Mr. Jacob formulates and  
10 serves his requests, you and I will be better researched on  
11 those issues.

12 So I'm not going to limit them here in this  
13 conversation. Would I limit them in response to letter motion  
14 practice from the parties? Perhaps. And I guess we'll both be  
15 looking for that, but thank you.

16 MR. SULLIVAN: Thank you, your Honor.

17 THE COURT: Mr. Schnapp, anything else today, sir?

18 MR. SCHNAPP: No, your Honor. I appreciate the  
19 Court's time.

20 THE COURT: Of course.

21 Again, I thank you all for your patience this  
22 afternoon. I wish you safety and continued safety and  
23 continued good health in this pandemic. We are adjourned.  
24 Thanks so much.

25 (Adjourned)